IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2451 OF 2003
IN
INCOME TAX APPEAL LODGING NO.761 OF 2003

The Commissioner of Income-tax .. Appellant.

V/s.

M/s.Juhu Construction Co. .. Respondent.

Mr.A.S. Rao for the Appellant.

Mr.G.C. Mohanty for the respondent.

CORAM : DR.S. RADHAKRISHNAN &
J.P. DEVADHAR, JJ.

DATED : 12TH MARCH, 2007.

P.C. :

1. Heared learned counsel for the appellant and the learned counsel for the respondent.

2. By this notice of motion, the appellant is seeking condonation of 137 days delay in filing the appeal.

3. For the reasons stated in the affidavit in support of notice of motion, sufficient cause is made out for condonation of delay. There is no case of any inaction, negligence or want of bonafide on the part of the appellant.

4. The notice of motion is made absolute in

terms of prayer clause (a).

5. Place the appeal on board for admission on 10th April, 2007.

6. The appellant to serve a copy of memo of appeal on the respondent within a period of one week from today.

(DR.S. RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)